

Cahoy Dec. Ex. 73

UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

IN RE: DA VINCI SURGICAL
ROBOT ANTITRUST LITIGATION

THIS DOCUMENT RELATES TO:
ALL CASES

SURGICAL INSTRUMENT SERVICE
COMPANY, INC.,

Plaintiff,

vs.

INTUITIVE SURGICAL, INC.,

Defendant.

Lead Case No. 3:21-cv-03825-VC

Case No. 3:21-cv-03496-VC

** HIGHLY CONFIDENTIAL - ATTORNEYS' EYES ONLY **

REMOTE VIDEOTAPED DEPOSITION OF
NICKOLA "NICKY" GOODSON
IN HER INDIVIDUAL CAPACITY
AND AS 30(B)(6) WITNESS ON BEHALF OF
INTUITIVE SURGICAL, INC.
Thursday, October 27, 2022

Volume I

Reported by:

NADIA NEWHART

CSR No. 8714

Job No. 5535694

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1 THE WITNESS: Again, I was not close enough
2 to the details to speak truthfully to that.

3 BY MR. CORRIGAN:

4 Q What EndoWrists did the extended life program
5 apply to?

03:39:49

6 MS. CAHOY: Objection to form.

7 THE WITNESS: The extended life program was
8 applicable to a certain set of Xi instruments. Per
9 the prior document reviewed -- or, sorry, per this
10 document reviewed, you can see on the attachment, a 03:40:18
11 list of Cardiere, ProGrasp, FBF and MSCND.

12 BY MR. CORRIGAN:

13 Q Why didn't the extended life program apply to
14 other Xi EndoWrists?

15 MS. CAHOY: Objection to form; foundation. 03:40:41

16 THE WITNESS: Could you restate the question?

17 BY MR. CORRIGAN:

18 Q You mentioned some X- -- some Xi EndoWrists
19 that the extended life program did apply to. Why
20 did it not apply to other Xi EndoWrists? 03:40:54

21 MS. CAHOY: Same objections.

22 THE WITNESS: Yeah, please rephrase the
23 question.

24 BY MR. CORRIGAN:

25 Q Well, why didn't -- why didn't the extended 03:41:05

1 life program apply to all EndoWrists?

2 A To all EndoWrists. Okay.

3 The extended life program focused on
4 instruments that had incremental design changes
5 along the way to substantiate reassessment of the 03:41:23
6 life capability.

7 Q And you didn't think you could increase the
8 life on the EndoWrist that didn't meet those
9 specifications, correct?

10 A There was not an indication to increase lives 03:41:41
11 on Xi instruments that had not been updated since
12 launch.

13 Q You didn't think the Xi instruments that had
14 not been updated since launch could go past the
15 number of uses, particularly ten uses, right? 03:41:55

16 A There was no evidence to say the instruments
17 that had not been updated would go beyond the
18 already rated life they were tested to.

19 Q Why didn't -- why didn't Intuitive test those
20 instruments to see if they could go above the 03:42:17
21 allotted usage on the counter?

22 A The testing that was done to establish the
23 rated life on the counter was the testing that --
24 that informed the count number.

25 Q So if the -- if the count number was ten on 03:42:41

1 an Xi, you had no testing that could suggest that it
2 would go -- that it could go above ten, right?

3 A That is correct.

4 Q Why weren't S and Si instruments part of the
5 extended life program?

03:43:03

6 MS. CAHOY: Objection to form; foundation.

7 THE WITNESS: Again, I believe I responded
8 earlier that the Xi was the platform of the -- that
9 was the growing platform. As such, focus on Xi
10 instruments and the latest technology was the -- the 03:43:38
11 main driver.

12 BY MR. CORRIGAN:

13 Q So Intuitive did not think that the S and
14 Si's could go above ten uses, correct?

15 MS. CAHOY: Objection to form; foundation. 03:44:04

16 THE WITNESS: Yes. Given that S and Si were
17 validated for the market prior to my involvement, I
18 cannot speak accurately to that.

19 BY MR. CORRIGAN:

20 Q And S and Si's had been set at ten uses 03:44:27
21 before you even got to Intuitive, correct?

22 A Correct.

23 Q And they remained at ten uses when they were
24 discontinued, correct?

25 MS. CAHOY: Objection to form; foundation. 03:44:39

1 THE WITNESS: I am unaware, through my
2 personal knowledge, of any changes to the -- the
3 Si's life count.

4 BY MR. CORRIGAN:

5 Q I asked you before, but let me -- let me ask 03:45:08
6 again.

7 What -- what were the technical advancements
8 done to the Xi's which led Intuitive to think they
9 could be part of the extended life program?

10 MS. CAHOY: Objection to form. 03:45:24

11 THE WITNESS: Again, it was instrument-to-
12 instrument dependent, and I do not have a -- a
13 ledger recollection of all the changes from
14 instrument to instrument.

15 BY MR. CORRIGAN: 03:45:38

16 Q Do you recall any of them?

17 A Yes.

18 Q What ones?

19 A I recall the LND cables being updated to
20 electropolishing. 03:46:04

21 Q Could you repeat that? Electric cables and
22 then what?

23 A Sorry. I recall the LND, the Xi LND cables
24 being updated to include electropolishing.

25 Q What is electropolishing? 03:46:31


1 I, the undersigned, a Certified Shorthand
2 Reporter of the State of California, do hereby
3 certify:

4 That the foregoing proceedings were taken
5 before me at the time and place herein set forth;
6 that any witnesses in the foregoing proceedings,
7 prior to testifying, were placed under oath; that a
8 record of the proceedings was made by me using
9 machine shorthand which was thereafter transcribed
10 under my direction; further, that the foregoing is
11 an accurate transcription thereof.

12 I further certify that I am neither
13 financially interested in the action nor a relative
14 or employee of any attorney of any of the parties.

15 IN WITNESS WHEREOF, I have this date
16 subscribed my name.

17
18 Dated: November 11, 2022
19

20 
21

22 _____
NADIA NEWHART

23 CSR No. 8714
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